IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 12806, 12835 & 12917 of 2002

W.P.No.12806 of 2002

Between:

M. Adinarayana, S/o. Viswanadham,

Prop: of Annapurna Modern Rice Mill,

R/o. Maddivalasa Village, Vangara Mandal,

Srikakulam District.

..... PETITIONER

AND

1. The District Collector, Srikakulam District.
2. The Joint Collector, Srikakulam District.
3. The Mandal Revenue Officer, Vangara, Vangara Mandal, Srikakulam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of Writ of Mandamus or any other appropriate Writ, order or Direction declaring the action of the respondents in black listing the petitioner vide impugned order passed by the 1st respondent and signed by the 2nd respondent in Rc.No.237/2002 S.7 dated 25-06-2002 as wholly arbitrary, illegal, without jurisdiction and offends principles of natural justice.

W.P.No.12835 of 2002

Between:

Karri Rama Chandra Rao S/o. Ramajogi,

Lease holder of Balakrishna Modern Rice Mill,

R/o. Siripuram Village, Santhakaviti Mandal,

Srikakulam District.

..... PETITIONER

AND

1. The District Collector, Srikakulam District.
2. The Joint Collector, Srikakulam District.
3. The Mandal Revenue Officer, Santhakaviti, Santhakaviti Mandal, Srikakulam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of Writ of Mandamus or any other appropriate Writ, order or Direction declaring the action of the respondents in black listing the petitioner vide impugned order passed by the 1st respondent and signed by the 2nd respondent in Rc.No.239/2002 S.7 dated 25-06-2002 as wholly arbitrary, illegal, without jurisdiction and offends principles of natural justice.

W.P.No.12917 of 2002

Between:

A. Kamaraju S/o. Venkata Ratnam,

Prop: of Sri Srinivasa Modern Rice Mill,

R/o. Ambakandi Village, Regidi Amudalavalasa Mandal,

Srikakulam District.

..... PETITIONER

AND

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1. The District Collector, Srikakulam District.
2. The Joint Collector, Srikakulam District.

3. The Mandal Revenue Officer, Regidi Amudalavalasa Mandal, Srikakulam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of Writ of Mandamus or any other appropriate Writ, order or Direction declaring the action of the respondents in black listing the petitioner vide impugned order passed by the 1st respondent and signed by the 2nd respondent in Rc.No.238/2002 S.7 dated 25-06-2002 as wholly arbitrary, illegal, without jurisdiction and offends principles of natural justice.

Counsel for the Petitioner: MR.M.P.CHANDRAMOULI

(in all the writ petitions)

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

(in all the writ petitions)

The Court made the following:

COMMON ORDER:

Since common question is involved in all the three writ petitions, they are taken up together for final disposal.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The petitioners herein in all the three writ petitions, who are the rice millers, filed

these writ petitions, inter alia seeking a Writ of Mandamus declaring the proceedings dated 25-6-2002 passed by the first respondent herein, whereunder they are sought to be kept in black list from doing business of supplying essential commodities under the Essential Commodities Act 1955.

The case of the petitioners is that the entire allegations made against them are wholly unsustainable and that no enquiry is conducted so far.

This court has granted interim suspension as long back as on 18-7-2002 in all the three writ petitions and the same is still in force and no application has been filed for vacating the same. Further it is also brought to the notice of this court that in regard to the seizure this court has allowed a batch of writ petitions in W.P.No.11430 of 2002 and batch dated 4-10-2002.

Having regard to the same, I do not find any necessity to go into the merits of the case. It would be suffice in the interest of justice to direct the respondents herein to proceed with any enquiry for which they are entitled to under the law and pass appropriate orders, after giving opportunity of hearing to the petitioners.

Accordingly, all the three Writ Petitions are allowed and the impugned orders are set aside. No costs.

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B. Prakash Rao, J.

26th July, 2004

js.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday, the twenty sixth day of July, Two Thousand and Four.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The District Collector, Srikakulam District.
2. The Joint Collector, Srikakulam District.
3. The Mandal Revenue Officer, Vangara, Vangara Mandal, Srikakulam District.
4. The Mandal Revenue Officer, Santhakaviti, Santhakaviti Mandal, Srikakulam District.
5. The Mandal Revenue Officer, Regidi Amudalavalasa Mandal, Srikakulam District.
6. Two CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad. (OUT)
7. 2 CD copies.